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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/163,207	09/29/98	ADIFON L	4167-18

PM82/0207

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EXAMINER	
MCALLISTER,S	
ART UNIT	**PAPER NUMBER**
3652	8

DATE MAILED: 02/07/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary	Application No. 09/163,207	Applicant(s) Adifon et al
	Examiner Steven B. McAllister	Group Art Unit 3652

☐ Responsive to communication(s) filed on _____.

☐ This action is **FINAL.**

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) *1-17* is/are pending in the application.

Of the above, claim(s) *4, 5, 9, 11, 12, and 14-17* is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) *1-3, 6-8, 10, and 13* is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐approved ☐disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). *4,5*

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

DETAILED ACTION

Election/Restriction

1. This application contains claims directed to the following patentably distinct species of the claimed invention: Species I, drawn to Fig. 1; Species II, drawn to Fig. 3; Species III, drawn to Fig. 6; Species IV, drawn to Fig. 7; Species V, drawn to Fig. 8; and Species 6, drawn to Fig. 8.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claim 1 is generic.

Applicant is advised that a response to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the

examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

2. During a telephone conversation with Randy G. Henley on 1/31/00 a provisional election was made without traverse to prosecute the invention of Species I, claims 1-3, 6-8, 10 and 13. Affirmation of this election must be made by applicant in replying to this Office action. Claims 4, 5, 9, 11, 12, and 14-17 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

3. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(I).

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 7 and 8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 6 recites "an adjacent hallway" and claim 7, depending from claim 6, recites "an adjacent elevator hallway". Claim 7 is indefinite because it appears to claim a second hallway -- an elevator hallway, where none is disclosed. In examining claim 7, it was assumed to read "said adjacent hallway, said adjacent hallway being an elevator hallway".

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless --
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-3 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Takahashi (JP 51-148093).

Takahashi shows all elements of the claim including the drive motor 5 being located adjacent to one of a top and bottom portion of a hoistway door, in this case above a top portion of a topmost door (see Fig. 1). Although not clearly shown, the reference inherently discloses a plurality of hoistway doors since an elevator system requires a plurality of floors.

As to claim 3, it is noted that Takahashi discloses that the motor is adjacent to and across a hallway landing of the topmost hoistway door (see Fig. 1).

As to claim 6, it is noted that Takahashi discloses that the motor is enclosed relative to the adjacent hallway by a housing comprising the ceiling of the hallway and the walls and ceiling of the machine room at the top of the hoistway (see Fig. 1).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103© and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

9. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi in view of Sugiyama (JP 63-178277).

Takahashi discloses all elements of the claim except a movable panel protruding into the elevator hallway above the hoistway door. Sugiyama discloses a movable panel 7 protruding into a landing (Fig. 5). Although not disclosed as an elevator hallway, the movable panel of Sugiyama would inherently open into the elevator hallway, since this is the only hallway or landing disclosed

in Takahashi. Given the position of the motor and the elevator door, the movable panel would inherently be located above the hoistway door. It would have been obvious to one of ordinary skill in the art to modify the housing of Takahashi by adding the movable panel of Sugiyama in order to facilitate easier and safer access to the motor for inspection and maintenance.

10. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi in view of Moore.

Takahashi, as previously discussed, discloses a housing the motor, but does not disclose that the drive and controller are collocated with the motor in the housing. Moore shows the motor 19, controller 20, and drive 21 collocated. It would have been obvious to one of ordinary skill in the art modify the apparatus of Takahashi by housing the motor, drive and controller together as taught by Moore in order to facilitate maintenance.

11. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi in view of Aulanko et al (5,490,578).

12. Takahashi discloses all elements of the claim except at least two sheaves on the bottom of the elevator car wherein a portion of the elongated connector underslings the car. Aulanko et al disclose two sheaves 4, 5 under the car and further discloses that the elongated connector 3 underslings the car. It would have been obvious to one of ordinary skill in the art to modify the elevator of Takahashi by using the roping configuration of Aulanko et al in order to ease the load on the motor.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven B. McAllister whose telephone number is (703) 308-7052.

Steven B. McAllister

February 2, 2000

2/3/00

ROBERT P. OLSZEWSKI
SUPERVISORY PATENT EXAMINER
GROUP ~~310~~ 3600